

Before the
Federal Communications Commission
WASHINGTON, D.C. 20554

RECEIVED

MAR 24 1995

FCC MAIL ROOM

In the Matter of

Elehue Kawika Freemon and
Lucille Freemon
Complainants,

v

CC Docket No. 94-89
File No. E-90-393

American Telephone and Telegraph Company
Defendant.

Request for Participation

Under section 1.225 (a), (b), (c) of 47 CFR ch.1, I, Evelyn Freemon formally request participation in the hearing/appeal in the above said caption.

To the Federal Communication Commission,

1. I have read the Initial Decision of Administrative Law Judge Walter C. Miller (ID) pertaining to this case supporting pleadings, opinions, order(s). It appears to be written in a biased array of invalid allegations. The comments and personal opinions of Judge Miller appear to have nothing to do with the basis of this case. Many of the comments are unwarranted and are unproven by Judge Miller. I've always been taught to believe that a decision made by the court was established through facts and the written laws of this Country, not the biased opinion of one man. There are several things which have been written in Judge Miller's Initial Decision that I would like to bring out:
- 2.. I am a secretary with a reputable company. I work with people who have degrees in Engineering, Business Administration, Juris Doctorate, Human Resources, etc. I have the responsibility of reading, revising and specifically making sure there are no spelling or grammatical errors in any correspondence.

3. There hasn't been one supervisor in my office who does not rely on my expertise as a secretary to make sure correspondence is well written. The misspelled words and the grammatical errors are horrendous; and, these are people who have been in college four or more years. For example, see Judge Miller's misspelled words ID, par. 27 "positiony" and ID, par. 34 "Zelnikov". Are we to assume from this that Judge Miller's alleged completion of college is contentious on his part?, see ID, footnote 5.
4. The comments and allegation that Judge Miller made ID, Footnote 5 are unwarranted.
5. ID, 12 through 16, my mother, Lucille Freemon has been a party to this case from the beginning. Judge Miller, again, has no basis for his comments and they should be dismissed. My brother has tried to assist my mother by keeping her up-to-date regarding the case, which was difficult because of her Alzheimer's disease and where he resides.
6. A letter was given to Judge Miller from a reputable doctor stating that my mother was under his care for Alzheimer's Disease. To have Judge Miller, who has never met my mother to assume that my brother was lying is simply incredible. Not only that, to have the doctor's letter dismissed without a substantiated reason is unjustly unheard of in a court of law. I believe Judge Miller's credentials, as a medical doctor should be presented and his diagnosis of an unseen patient should be made clear to the commission. See TR page 320, line 12 through page 321, line 23; pages 331, line 18 through pages 333, line 25.
7. Moreover, stated in TR page 337, line 16 through 20 demonstrates the validity of her doctor's note to the court. I was not waiting downstairs for my mother during the deposition. As a matter of fact, I was against her going because of the anxiety attacks which readily occur in people with Alzheimer's, especially in unfamiliar surroundings. Therefore, I refused to participate in this deposition. See TR page 336, line 14 through 25.
8. If proof is needed, I can show that I was at work from 6:30 a.m. to 5:00 p.m. the day of the deposition.

9. ID, 18 states "Elehue Freemon obviously believed that his chances of receiving a favorable cash damage award from the FCC would be enhanced if a "Black" female were one of the complainants." This statement is insulting and untrue, not only that, it shows the personality and disposition of Judge Miller's mind. The fact is, and it can be proven that my mother is not "Black". This statement shows the prejudiced mind of the court.

Conclusion

10. In conclusion, the comments made in the Initial Decision of Administrative Law Judge Walter C. Miller (ID) appears to have no foundation as to the credibility of Elehue K. Freemon or Lucille K Freemon. The final outcome is not the most important part of this case; but, the unprejudiced decision of the court based upon the evidence shown should surely be the most equitable and fair way to bring this case to its conclusion.



EVELYN L. FREEMON

March 13, 1995

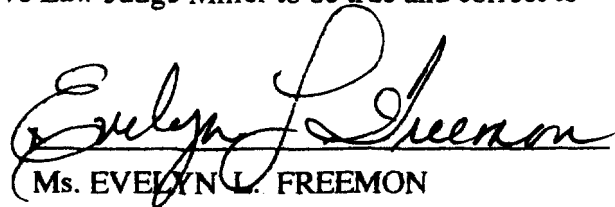
STATE OF CALIFORNIA)

: ss.:

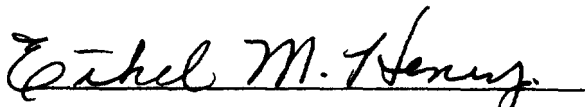
COUNTY OF LOS ANGELES)

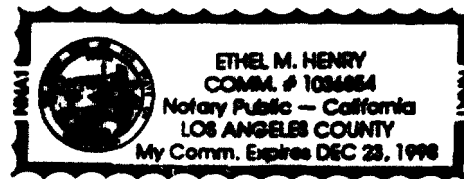
I, EVELYN L. FREEMON, being duly sworn deposes and says:

I hereby swear that the forgoing "Request for Participation" presented herewith under the provisions of the Federal Administrative Procedure Act CFR 1.225 (a), (b), (c) of CFR ch.1 and under the of Administrative Law Judge Miller to be true and correct to the best of my knowledge and belief.


(Ms. EVELYN L. FREEMON

Sworn to before me this 13th day of March 1995


Notary Public Signature



Notary Seal

March 13, 1995
Date

Certificate of Service

I, Dr. Gisela Spieler, hereby certify that a true copy of the foregoing "Request for Participation, March 13, 1995" was served on the March 22, 1995 by U.S. mail, postage prepaid upon the parties listed below:

Thomas D. Wyatt
Chief, Formal Complaints and Investigations Branch
Common Carrier Bureau
Federal Communications Commission
1250 23rd Street, N.W. - Plaza Level
Washington, D.C. 20554

Keith Nichols, Esq.
Enforcement Division
Common Carrier Bureau
Federal Communications Commission
Washington, D.C. 20554

Honorable Walter C. Miller
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Secretary of FCC *
FCC
2025 M Street, N.W.
Washington, D.C. 20554

Peter H. Jacoby
295 N. Maple Ave., Room 3245 F3
Baskin Ridge, N.J. 07920

Lucille K. Freemon
730 W. Columbia
Long Beach, C.A. 90806

Elehue K. Freemon
General Delivery
Big Bear, Lake, CA 92315
(by hand)

Dr. Gisela Spieler

Exhibit II Edna Roland

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American Telephone and Telegraph Company
Defendant.

Request for Participation

Under section 1.225 (a), (b), (c) of 47 CFR ch.1, I, Mrs. Edna L. Roland, daughter of Mrs. Lucille K. Freemon, formally request participation in the hearing/appeal in the above said caption.

To the Federal Communication Commission,

1. I have read the Initial Decision of Administrative Law Judge Walter C. Miller (ID) pertaining to this case supporting pleadings, opinions, order(s).
2. I have also read Ms. Evelyn Freemon's Request for Participation of March 13, 1995.
3. I would like the Commission to know that I agree fully with all of the statements my sister, Ms. Evelyn Freemon, has made in her Request for Participation.
4. I would like to note to the court that I also was working on the day of the deposition, October 4, 1994 and did not participate in the deposition.

Mrs. Edna L. Roland

STATE OF CALIFORNIA)

: ss.:

COUNTY OF LOS ANGELES)

I, Edna L. Roland, being duly sworn deposes and says:

I hereby swear that the forgoing "Request for Participation" presented herewith under the provisions of the Federal Administrative Procedure Act CFR 1.225 (a), (b), (c) of CFR ch.1 and under the of Administrative Law Judge Miller to be true and correct to the best of my knowledge and belief.

Mrs. Edna L. Roland
NOTARY PUBLIC
Mrs. Edna L. Roland

ALL-PURPOSE ACKNOWLEDGMENT

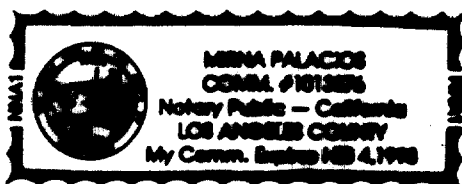
NO 209

State of California
County of Los Angeles }

On 3/16/95 before me, MIRNA PALACIOS
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared EDNA L. ROLAND
NAME(S) OF SIGNER(S)

☒ personally known to me ~~OR~~ ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal.

Mirna Palacios
SIGNATURE OF NOTARY

CAPACITY CLAIMED BY SIGNER

- ☒ INDIVIDUAL(S)
☐ CORPORATE OFFICER(S) TITLE(S)
☐ PARTNER(S)
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ SUBSCRIBING WITNESS
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT RIGHT:

Title or Type of Document Request for Participation
Number of Pages 2 Date of Document 3/16/95
Signer(s) Other Than Named Above _____

Certificate of Service

I, Dr. Gisela Spieler, hereby certify that a true copy of the foregoing "Request for Participation, March 16, 1995" was served on the March 22, 1995 by U.S. mail, postage prepaid upon the parties listed below:

Thomas D. Wyatt
Chief, Formal Complaints and Investigations Branch
Common Carrier Bureau
Federal Communications Commission
1250 23rd Street, N.W. - Plaza Level
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Elehue K. Freemon
General Delivery
Big Bear, Lake, CA 92315
(by hand)

Dr. Gisela Spieler

Exhibit III James Waide

Exhibit IV
Mr. Elehue Freemon
Medical Report

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v

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File No. E-90-393

American Telephone and Telegraph Company
Defendant.

Request for Participation

Under section 1.225 (a), (b),(c) of 47 CFR ch.1, I, Elehue Freemon, husband of Mrs. Lucille K. Freemon, formally request participation in the hearing/appeal in the above said caption.

To the Federal Communication Commission,

1. I have read the Initial Decision of Administrative Law Judge Walter C. Miller (ID) pertaining to this case supporting pleadings, opinions, order(s).
2. I have also read Ms. Evelyn Freemon's Request for Participation of March 13, 1995.
3. I would like the Commission to know that I agree fully with all of the statements my daughter, Ms. Evelyn Freemon, has made in her Request for Participation.
4. I who gave the medical reports to my son Elehue K. Freemon in December of 1994 to deliver to the Judge. This medical report was mailed to my residence by Dr. Robert H. Frankenfeld's office in early December 1994.

5. In addition my granddaughter, then ReShea Plunkett and myself were present at 730 W. Columbia, Long Beach, California during the night of May 30, 1988 telephone call and conversation which involved my son, Elehue K. Freemon, my wife Mrs. Lucille K. Freemon, and an operator apparently asking my wife to see if my son needed help.

Mr. Elehue Freemon

STATE OF CALIFORNIA)

: SS.:

COUNTY OF LOS ANGELES)

I, ELEHUE. FREEMON, being duly sworn deposes and says:

I hereby swear that the forgoing "Request for Participation" presented herewith under the provisions of the Federal Administrative Procedure Act CFR 1.225 (a), (b), (c) of CFR ch.1 and under the of Administrative Law Judge Miller to be true and correct to the best of my knowledge and belief.

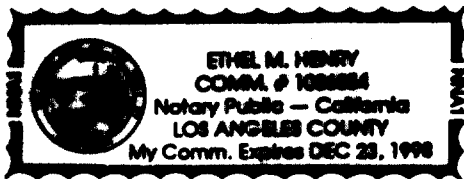
E. Lehue Freeman

MR. E LEHUE FREEMON

Sworn to before me this 15th day of March 1995

Ethel M. Henry

Notary Public Signature



Notary Seal

March 15, 1995
Date

Robert H. Frankenfeld, M.D., F.A.C.P.

2840 LONG BEACH BOULEVARD, SUITE 210

LONG BEACH, CALIFORNIA 90806

TELEPHONE (213) 595-5454

INTERNAL MEDICINE

November 23, 1994

To Whom It May Concern:

Re: Lucille Freemon

The above patient is under my care for hypertension and Alzheimers.

She is disabled from going to Washington for a court appearance.

Sincerely,


Robert H. Frankenfeld, M.D.

RHF/eko

Randolph B. Shey, M.D.
Diplomate in Neurology
American Board of Psychiatry and Neurology

701 E. 28th Street, Suite 319
Long Beach, California 90806
(213) 426-3636

Neurological Medicine
Neurodiagnostic Studies

Patient: Lucille E. Freemon
Date: August 6, 1991

Chief Complaint: Memory loss.

RECEIVED

MAR 24 1995

HISTORY OF PRESENT ILLNESS

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This patient is a 66 year old female with a 5 year history of progressive loss of short term memory with a more apparent acceleration of symptoms over the last 2 years. According to the patient's daughter she has become increasingly forgetful, confused, at times she wanders and gets lost. There is no associated headaches, nausea, vomiting, dysarthria, dysphagia, diplopia, focal motor weakness, sensory loss, incoordination, loss of consciousness or seizures. There is no history of recent trauma.

Allergies: None.

Medications: None.

Past Medical History: Hypertension. Status post left cataract surgery.

Personal History: 2 pack per day smoking. No alcohol, drug or toxin exposure.

Family History: Patient's brother has history of hypertension.

NEUROLOGICAL EXAMINATION

Mental Status: Alert. She knows the month, year and place, and the name of the President. Memory: 0 out of 3 objects at 3 minutes. 3 out of 7 numbers forward. 0 out of 7 numbers in reverse. No left-right confusion. Mild anomia. Patient is unable to copy a cube or a spiral.

Cranial Nerves:

- I. Intact to tobacco.
- II. Visual fields intact by confrontation. Fundus benign.

✓

Randolph B. Shey, M.D.
Diplomate in Neurology
American Board of Psychiatry and Neurology

701 E. 28th Street, Suite 319
Long Beach, California 90806
(213) 426-3656

Neurological Medicine
Neurodiagnostic Studies

August 29, 1991

RECEIVED

MAR 24 1995

FCC MAIL ROOM

Chester Svigals, M.D.
2840 Long Beach Blvd #210
Long Beach, Ca 90806

RE: Lucille Freemon

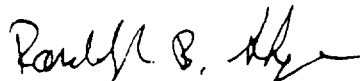
Dear Dr. Svigals:

Lucille Freemon was seen neurologically on August 6, 1991.
Enclosed is a copy of the initial consultation.

A CT head scan was performed and this was normal. A EEG was normal. B12, VDRL and FTA were normal. Based on the above tests and her clinical presentation she is fairly typical for senile dementia of the Alzheimer's type. I do not think that any further testing needs to be performed. She has had some behavioral problems at home related to agitation and combative behavior and low dose Melleril 10mg BID has been started. This apparently has improved the situation. I have discussed these findings with the patient's daughter who initially brought her in regarding the patient's mental deterioration.

Please let me know if I can provide any further information regarding this matter.

Sincerely,



Randolph B. Shey, M.D.

RBS/mo

Lucille E. Freemon
August 6, 1991

Page 2

III, IV Extraocular movements are full. No nystagmus.
& VI. Pupils 4 millimeters, equal, round and reactive to
light and accommodation.

V. Corneals 1+ bilaterally. Sensory/motor intact.

VII. No facial asymmetry.

VIII. Air greater than bone conduction. Weber midline.

IX, X. Gag intact. Uvula midline.

XI. Sternocleidomastoid and trapezius strength normal.

XII. Tongue midline. No atrophy or fasciculations.

Motor: 5/5 strength. Normal tone and bulk.

Sensory: Intact to pinprick, light touch, vibration and
proprioception. Cortical testing intact.

Reflexes: 1+ and symmetric. Toes downgoing bilaterally. No
clonus.

Coordination: Intact to finger-nose-finger, heel-to-shin and
rapid alternating movements. No rebound.

Gait & Station: Romberg negative. Normal heel and toe
walking. Normal tandem gait.

Vascular: No cranial, ocular or carotid bruits.

IMPRESSION

66 year old female with history of progressive cognitive
dysfunction predominantly with memory orientation and
constructional apraxia. She has no other focal or lateralizing
findings on her examination. There is a component of
depression and this has been exacerbating her underlying
condition. Differential diagnosis would include the following:

1. Senile dementia of the Alzheimer's type.
2. Pseudodementia associated with depression.
3. Intracranial structural abnormality such as tumor,
subdural, hydrocephalus are unlikely given her otherwise
normal examination other than the cognitive dysfunction.

Lucille E. Freemon
August 6, 1991

Page 3

4. Toxic metabolic component also appears to be unlikely.

The diagnostic yield on doing an extensive work up in this particular type of patient is relatively low however it would be standard procedure to proceed with a MRI scan of the brain, EEG, and blood work to include B12, thyroid panel, liver function tests, calcium, RPR, FTA, Westergren sedimentation rate. If these tests are all negative then by exclusion the diagnosis of Alzheimer's Disease would be made. In the absence of a fever or a rapidly progressive deterioration over several weeks a spinal tap would be extremely low yield.

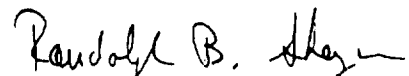
FINAL NEUROLOGIC DIAGNOSIS

Probable Alzheimer's senile dementia.

PLAN

1. MRI scan of the brain.
2. EEG.
3. B12, thyroid panel, RPR, FTA, Westergren sedimentation rate, liver function tests, calcium.
4. Further evaluation pending the results of the above. The patient may benefit from a trial of anti-depressant medication as far as reversing a component of pseudodementia related to her depression.

Sincerely,



Randolph B. Shey, M.D.

RBS/mo

Certificate of Service

I, Dr. Gisela Spieler, hereby certify that a true copy of the foregoing "Request for Participation, March 15, 1995" was served on the March 22, 1995 by U.S. mail, postage prepaid upon the parties listed below:

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Elehue K. Freemon
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Big Bear, Lake, CA 92315
(by hand)

Dr. Gisela Spieler


STATE OF CALIFORNIA)

: ss.:

COUNTY OF ORANGE)

I, ELEHUE K. FREEMON, being duly sworn deposes and says:

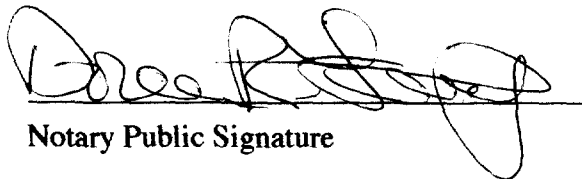
I hereby swear that the forgoing "APPELLANT APPEAL" presented herewith under the provisions of the Federal Administrative Procedure Act CFR 1.302 of ch.1 and under the FEDERAL COMMUNICATION COMMISSION REVIEW BOARD OR COMMISSIONER to be true and correct to the best of my knowledge and belief.



Mr. Elehue K. Freemon, Appellant

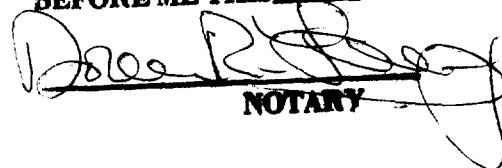
Sworn to before me this 23th day of March 1995

STATE OF CALIFORNIA
COUNTY OF ORANGE

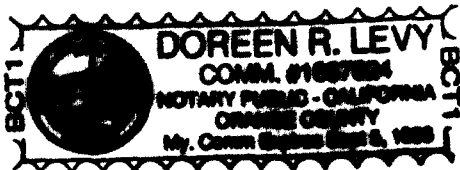


Notary Public Signature

SUBSCRIBED AND SWORN (OR AFFIRMED) TO
BEFORE ME THIS 23rd DAY OF March 1995



NOTARY



Notary Seal

March 23, 1995
Date

Certificate of Service

I, Dr. Gisela Spieler, hereby certify that a true copy of the foregoing "APPELANT APPEAL" March 23, 1995" was served on the March 23, 1995 by U.S. mail, postage prepaid upon the parties listed below:

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Chief, Formal Complaints and Investigations Branch
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Federal Communications Commission
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